

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 167

HOUSE BILL 2682

AN ACT

AMENDING SECTIONS 32-2521 AND 32-2522, ARIZONA REVISED STATUTES; RELATING TO
PHYSICIAN ASSISTANTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-2521, Arizona Revised Statutes, is amended to
3 read:

4 32-2521. Qualifications

5 A. An applicant for licensure shall:

6 1. Have attended and completed a course of training for physician
7 assistants approved by the board.

8 2. Pass a certifying examination approved by the board.

9 3. Be physically and mentally able to safely perform health care tasks
10 as a physician assistant.

11 4. Have a professional record that indicates that the applicant has
12 not committed any act or engaged in any conduct that constitutes grounds for
13 disciplinary action against a licensee pursuant to this chapter. THIS
14 PARAGRAPH DOES NOT PREVENT THE BOARD FROM CONSIDERING THE APPLICATION OF AN
15 APPLICANT WHO WAS THE SUBJECT OF DISCIPLINARY ACTION IN ANOTHER JURISDICTION
16 IF THE APPLICANT'S ACT OR CONDUCT WAS SUBSEQUENTLY CORRECTED, MONITORED AND
17 RESOLVED TO THE SATISFACTION OF THAT JURISDICTION'S REGULATORY BOARD.

18 5. Not have had a license to practice revoked by a regulatory board in
19 another jurisdiction in the United States for an act that occurred in that
20 jurisdiction that constitutes unprofessional conduct pursuant to this
21 chapter.

22 6. Not be currently under investigation, suspension or restriction by
23 a regulatory board in another jurisdiction in the United States for an act
24 that occurred in that jurisdiction that constitutes unprofessional conduct
25 pursuant to this chapter. If the applicant is under investigation by a
26 regulatory board in another jurisdiction, the board shall suspend the
27 application process and may not issue or deny a license to the applicant
28 until the investigation is resolved.

29 7. Not have surrendered, relinquished or given up a license in lieu of
30 disciplinary action by a regulatory board in another jurisdiction in the
31 United States for an act that occurred in that jurisdiction that constitutes
32 unprofessional conduct pursuant to this chapter. THIS PARAGRAPH DOES NOT
33 PREVENT THE BOARD FROM CONSIDERING THE APPLICATION OF AN APPLICANT WHO
34 SURRENDERED, RELINQUISHED OR GAVE UP A LICENSE IN LIEU OF DISCIPLINARY ACTION
35 BY A REGULATORY BOARD IN ANOTHER JURISDICTION IF THAT REGULATORY BOARD
36 SUBSEQUENTLY REINSTATED THE APPLICANT'S LICENSE.

37 B. The board may:

38 1. Require an applicant to submit written or oral proof of
39 credentials.

40 2. Make such investigations as it deems necessary to advise itself
41 with respect to the qualifications of the applicant including physical
42 examinations, mental evaluations, written competency examinations or any
43 combination of such examinations and evaluations.

1 3. Grant an exemption from the licensure requirements of this section
2 to:

3 (a) A student enrolled in a physician assistant education program
4 approved by the board in order for that student to work within that program.
5 The student shall register with the board on a form prescribed by the board.

6 (b) A physician assistant who is an employee of the United States
7 government and who works on land or in facilities owned or operated by the
8 United States government or a physician assistant who is a member of the
9 reserve components of the United States and on official orders or performing
10 official duties as outlined in the appropriate regulation of that branch.

11 C. If the board finds that the applicant committed an act or engaged
12 in conduct that would constitute grounds for disciplinary action in this
13 state, before issuing a license the board must determine to its satisfaction
14 that the act or conduct has been corrected, monitored and resolved. If the
15 act or conduct has not been resolved, before issuing a license the board must
16 determine to its satisfaction that mitigating circumstances exist that
17 prevent its resolution.

18 D. If another jurisdiction has taken disciplinary action against an
19 applicant, before issuing a license the board must determine to its
20 satisfaction that the cause for the action was corrected and the matter was
21 resolved. If the other jurisdiction has not resolved the matter, before
22 issuing a license the board must determine to its satisfaction that
23 mitigating circumstances exist that prevent its resolution.

24 E. The board may delegate to the executive director the authority to
25 deny licenses to applicants who do not meet the requirements of this section.

26 Sec. 2. Section 32-2522, Arizona Revised Statutes, is amended to read:
27 32-2522. Applications; interview; withdrawal

28 A. Each applicant shall file a verified completed application in the
29 form required and supplied by the board that is accompanied by the prescribed
30 application fee.

31 B. The application shall be designed to require the submission of
32 evidence, credentials and other proof necessary to satisfy the board that the
33 applicant qualifies for licensure.

34 C. The application shall contain the oath of the applicant that:

35 1. All information contained in the application and evidence submitted
36 with it are true and correct.

37 2. The credentials submitted were not procured by fraud or
38 misrepresentation or any mistake of which the applicant is aware.

39 3. The applicant is the lawful holder of the credentials.

40 D. All applications submitted to the board and any attendant evidence,
41 credentials or other proof submitted with an application are the property of
42 the board and part of the permanent record of the board and shall not be
43 returned to an applicant.

1 E. AFTER THE BOARD HAS RECEIVED A COMPLETED APPLICATION THE BOARD
2 EITHER SHALL GRANT OR DENY A LICENSE TO THE APPLICANT. IF AN APPLICANT HAS
3 SUBMITTED AN INCOMPLETE APPLICATION, the board shall promptly notify an
4 applicant, in writing, of the deficiencies, if any, in the application that
5 prevent it from being a completed application.

6 F. The board or its representatives may interview an applicant to
7 determine whether the application is sufficient.

8 G. Applications are considered withdrawn on any of the following
9 conditions:

10 1. Written request of the applicant.
11 2. Failure of the applicant to appear for an interview with the board
12 unless good cause is shown.

13 3. Failure to submit a completed application within one year from the
14 date of the mailing by the board of a statement to the applicant of the
15 deficiencies in the application pursuant to subsection E of this section.

16 H. On request of an applicant who disagrees with the statement of
17 deficiency, the board shall grant a hearing before the board at its next
18 regular meeting if there is time at that meeting to hear the matter. The
19 board shall not delay this hearing beyond one regularly scheduled meeting. At
20 any hearing granted pursuant to this subsection, the burden of proof is on
21 the applicant to demonstrate that the alleged deficiencies do not exist.

22 I. The board may deny a license to an applicant who does not meet the
23 requirements of this article.

24 J. If an applicant does not meet the requirements of section 32-2521,
25 subsection A, paragraph 3, the board may issue a license subject to any of
26 the following probationary conditions:

27 1. Restrict the licensee's practice.
28 2. Require the licensee to continue medical or psychiatric treatment.
29 3. Require the licensee to participate in a specified rehabilitation
30 program.

31 4. Require the licensee to abstain from alcohol and other drugs.

32 K. If the board offers a probationary license to an applicant pursuant
33 to subsection J of this section, it shall notify the applicant in writing of
34 the following:

35 1. The applicant's specific deficiencies.
36 2. The probationary period.
37 3. The applicant's right to reject the terms of probation.
38 4. If the applicant rejects the terms of probation, the applicant's
39 right to a hearing on the board's denial of the application.

APPROVED BY THE GOVERNOR MAY 7, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2008.